

Application No. 09/589,675

REMARKS

In the Official Action mailed 15 January 2003, the Examiner reviewed claims 1-33, claim 34 having been withdrawn without prejudice. Claims 1-3, 9, 12, 14, 17, 22-30 and 33 were rejected under 35 USC 102(e); claims 4-8, 10, 11 and 18-21 were rejected under 35 USC 103(a); claim 13 was rejected under 35 USC 103(a); and claims 15, 16, 31 and 32 were rejected under 35 USC 103(a).

Applicants amend claims 1, 9, 14, 17, 22, 24, 25, 26 and 33, as set forth above. Claims 1-33 remain pending.

The Examiner's rejections and objections are respectfully traversed below.

Rejection of Claims 1-3, 9, 12, 14, 17, 22-30 and 33 under 35 USC 102(e)

The Examiner rejected claims 1-3, 9, 12, 14, 17, 22-30 and 33 under 35 USC 102(e) as anticipated by Jegorov et al. (U.S. Patent No. 6,235,071 - identified in the Official Action as "Jegorv et al."). Applicants have amended the claims in light of this rejection, and reconsideration is requested. In particular, independent claims 1, 17, 22, 26 and 33 have been amended to recite that the emitted radiation is "diffuse" radiation. Also, the limitation to a redirector has been removed in some claims.

The Jegorov et al. patent describes a system in which a laser pumps a laser, to emit coherent, highly directional radiation. Accordingly, Jegorov et al. does not anticipate the claims as amended.

As discussed in the present application at page 3, line 13 *et seq.* of the present application, the fluorescent element of the claims emits radiation in a diffuse manner. Further, as stated at page 4, lines 15-20, the use of fluorescence of diffuse radiation, rather than lasing, allows implementation of simpler devices, at lower cost and significantly less prone to malfunction, than prior art devices. Also, because a fluorescent element without a resonant cavity is less expensive, and simpler than a laser, a clinician may have a larger selection of devices and, therefore, a wider range of treatment choices, for a given price than has been available in the prior art.

Application No. 09/589,675

Accordingly, reconsideration of the rejection of claims 1-3, 9, 12, 14, 17, 22-30 and 33, as amended, is respectfully requested.

Rejection of Claims 4-8, 10, 11 and 18-21 under 35 USC 103(a)

The Examiner rejected claims 4-8, 10, 11 and 18-21 under 35 USC 103(a) as unpatentable over Jegorov et al. in view of Sinofsky (U.S. Patent No. 6,270,492 B1) and Byren (U.S. Patent No. 4,853,528). Applicants submit that claims 4-8, 10, 11 and 18-21 are allowable for at least the same reasons as claims 1 and 17, as amended, from which they depend. Furthermore, such claims are believed allowable for the unique combinations recited.

Accordingly, reconsideration of the rejection of such claims is respectfully requested.

Rejection of Claim 13 under 35 USC 103(a)

The Examiner rejected claims 12, 13 and 23 under 35 USC 103(a) as unpatentable over Jegorov et al. in view of Talpalrui (U.S. Patent No. 6,171,302 B1). Applicant submits that claim 13 is allowable for at least the same reasons as claim 1, as amended. Furthermore, claim 13 is believed allowable for the unique combination recited.

Accordingly, reconsideration of the rejection of claim 13 is respectfully requested.

Rejection of Claims 15, 16, 31 and 32 under 35 USC 103(a)

The Examiner rejected claims 15, 16, 31 and 32 under 35 USC 103(a) as unpatentable over Jegorov et al. in view of Braun et al. (U.S. Patent No. 5,425,754). Applicants submit that claims 15, 16, 31 and 32 are allowable for at least the same reasons as claims 1 and 22, as amended. Furthermore, such claims are believed allowable for the unique combinations recited. Accordingly, reconsideration of the rejection of such claims is respectfully requested.

Application No. 09/589,675

CONCLUSION

It is submitted that the present application is now in form for allowance, and such action is respectfully requested.

Respectfully submitted,



Mark A. Haynes, Reg. No. 30,846

Dated: 9 April 2003

Haynes Bcffel & Wolfeld LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax

CUSTOMER NO. 22470